

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SAMIRA RANDOLPH-ALI,	:	CIVIL ACTION NO. 1:16-CV-1625
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
STEELTON POLICE DEPARTMENT,	:	
<i>et al.,</i>	:	
	:	
Defendants	:	

ORDER

AND NOW, this 23rd day of March, 2018, upon consideration of the report (Doc. 38) of Magistrate Judge Martin C. Carlson, recommending the court grant in part and deny in part defendants’ motion (Doc. 25) to dismiss the second amended complaint (Doc. 23) filed by *pro se* plaintiff Samira Randolph-Ali (“Randolph-Ali”), wherein Judge Carlson specifically recommends that we grant defendants’ motion to dismiss all claims asserted in Randolph-Ali’s second amended complaint except the Fourth Amendment excessive force claim and state law assault and battery claims against Detective Anthony Minium (“Minium”) previously found by the court to survive Rule 12(b)(6) scrutiny, and further recommends that defendants’ motion to dismiss the claims against Minium be denied without prejudice to defendants’ right to file a standalone motion for summary judgment as to those claims, (see Doc. 38 at 9-22), and it appearing that neither Randolph-Ali nor the defendants have objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de*

novo review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following independent review of the record, the court in agreement with Judge Carlson’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 38) of Magistrate Judge Carlson is ADOPTED.
2. Defendants’ motion (Doc. 25) to dismiss Randolph-Ali’s second amended complaint (Doc. 23) is GRANTED as to all claims except Randolph-Ali’s Fourth Amendment excessive force claim and state law assault and battery claims against Minium.
3. Randolph-Ali’s motion (Doc. 29) for jury trial is construed as a request to deny defendants’ motion (Doc. 25) to dismiss and is DENIED as so construed.
4. Either party may file a summary judgment motion appertaining Randolph-Ali’s Fourth Amendment excessive force claim and state law assault and battery claims on or before **Friday, April 27, 2018**. Any summary judgment motion shall be accompanied by a supporting brief and a statement of material facts in accordance with the Local Rules of Court.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania